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10/525,042	08/29/2005	Harold Russell Motson	118989-05017145	5681
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JONES DAY 222 EAST 41ST ST NEW YORK, NY 10017			EXAMINER ASDJODI, MOHAMMAD REZA	
			ART UNIT 1796	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ATTACHMENT TO ADVISORY

Response to Arguments

Applicant's arguments filed 06/30/10 have been fully considered but they are not persuasive. Because:

A- In response to applicant's argument (i.e. claim 20) that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In the instant case Romack clearly indicates and teaches that: "The cleaned article is then removed from the drum. The article may optionally be rinsed (for example, by removing the composition from the drum, adding a rinse solution such as liquid CO₂, with or without additional ingredients such as water, co-solvents, etc., to the drum, agitating the article in the rinse solution, removing the rinse solution, and repeating as desired), after the agitating step and before it is removed from the drum; [6: 10-16]. Romack clearly teaches the branched ethoxylated fatty alcohols in general (3: 61, 4: 22) which are the same conditioning agent, wherein the exact claimed formulation of the instant claim is also specifically taught by Jureller et al. ;[9: formula II].

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B- In response to applicant's argument that: "the particular components and the steps of the pending claims are not taught or suggested in any of the references", it is note that the applicant's interpretation of the teachings of prior art seems to be different than that of the Office for two reasons. First, the claimed conditioning ingredients are taught in general and also specifically by Romack and Jureller correspondingly, as indicated above. Furthermore, the mere inclusion or exclusion of the claimed conditioning ingredients in the rinsing steps of the cleaning process is obviously and implicitly taught by the reference(s). In this regard it should be noted that, MPEP 2144.4 V clearly states that: "(selection of any order of performing process steps is *prima facie* obvious in the absence of new or unexpected results); *In re Gibson*, 39 F.2d 975, 5 USPQ 230 (CCPA 1930) (Selection of any order of mixing ingredients is *prima facie* obvious.)". In this regard the presence of claimed conditioning ingredients will inherently produce the identical results to that of instant claims.

Note: There has been a typographic error on line 4 of pages 3 and 8 in the last office action wherein the Jureller is typed Schulte, which is corrected now.

/Milton I. Cano/
Supervisory Patent Examiner, Art Unit 1796

/M.R.A./
Examiner, Art Unit 1796